

# **ARIZONA DEPARTMENT OF TRANSPORTATION**

## **Title VI Implementation Plan**

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## **About the Arizona Department of Transportation**

The Arizona Department of Transportation (ADOT) is a multi-modal transportation agency serving one of the fastest growing areas of the country. ADOT is responsible for planning, building and operating a complex highway system in addition to building and maintaining bridges and the Grand Canyon Airport. A major component of the organization is the Motor Vehicle Division which provides title, registration and driver license services to the general public throughout the state of Arizona.

ADOT is funded by the people who purchase fuel, drive or own private and commercial vehicles, or use transportation services. Individuals and businesses invest money through fuel taxes, motor carrier fees, vehicle title, registration and license fees, to build and operate the state's transportation systems. About 80 percent of the money ADOT collects returns to the private sector in the form of paychecks and payment for transportation services and materials.

Transportation puts people to work building projects. Projects, in turn, deliver goods and services that spur economic development and attract jobs to the state, creating a cycle of economic benefit.

We at ADOT strive to successfully deliver a range of transportation projects in an economic environment with fewer employees and declining resources. Like you, we are trying to do more with less as we sharpen our focus on results for Arizona.

We continue to examine diverse, integrated transportation options for moving people and goods to create jobs and deliver economic and quality-of-life benefits for Arizona residents and businesses. ADOT's role is to assist policymakers by providing objective information that helps them decide the best solutions to connect communities across Arizona with the full range of resources available.

SIGNED BY JOHN HALIKOWSKI

## OVERVIEW

### A. Policy of Nondiscrimination

The Arizona Department of Transportation (ADOT) assures that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT sponsored program or activity. There is no distinction between the sources of funding.

ADOT also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. If problems are found, those problems will be corrected as quickly as possible but will not take longer than 90 days. Additionally, the department will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When ADOT distributes Federal-aid funds to another entity, the Arizona Department of Transportation will include Title VI language in all written agreements and will monitor for compliance.

Signed Title VI assurances are included as Attachment “1”.

### B. Plan Objectives

The objectives of ADOT’s Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related statutes.
- To assure that all people affected by ADOT’s programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability, economic status or limited English proficiency.
- To proactively prevent discrimination and ensure nondiscrimination in all ADOT programs and activities, regardless of funding source.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to review specific program areas within ADOT and with its external partners to determine effectiveness of the area’s activities at all levels.
- To describe the process for filing and investigating complaints by persons who believe that they have been subjected to discrimination under Title VI in any ADOT service, program or activity or any program that is administered by its sub-recipients.

### C. Authorities

ADOT's Title VI plan was developed under the following authorities:

- Title VI of the Civil Rights Act of 1964– 42 U.S.C. 2000d.
- Federal-aid Highway Act of 1973 – amended Title VI to prohibit discrimination on basis of sex
- Rehabilitation Act of 1973, Section 504 – prohibits discrimination on basis of handicap/disability
- Age Discrimination Act of 1975 – prohibits discrimination on the basis of age
- Civil Rights Restoration Act of 1987 – 100 P. L. 259
- Americans with Disabilities Act of 1990
- Title VIII of the Civil Rights Act of 1968 – prohibits discrimination in housing
- Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority and Low-Income Populations
- Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- 49 CFR Part 21 – Nondiscrimination in Federally-assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964
- 23 CFR Part 200 – Title VI Program and Related Statutes – Implementation and Review Procedures
- DOT Order 1050.2 – Standard Title VI Assurances
- 28 CFR 50.3 – Guidelines for Enforcement of Title VI, Civil Rights Act of 1964
- FTA Circular 4702.1A – Title VI and Title VI-Dependent Guidelines for FTA Recipients
- Implementing Title VI Requirements in Metropolitan and Statewide Planning
- FAA Policy Order 1400.12 – Processing Accommodation Requests for People with Disabilities
- Title VI – Nondiscrimination in the Federal-aid Highway Program, Desk Reference

## D. Definitions

*ADA*- Americans with Disabilities Act

*ADOT*-Arizona Department of Transportation

*Assurances*- a written statement of contractual agreement signed by an authorized official in which the recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

*Beneficiaries*- a person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any Federally assisted program, i.e., relocates, impacted citizens, communities, etc.

*COG*- Councils of Government (considered a subrecipient)

*Compliance*- that satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

*CRO*- Civil Rights Office

*Discrimination*- to make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based solely on race, color, or sex, or national origin.

*Federal assistance*- any funding, property, or aid provided for the purpose of assisting a beneficiary.

*FAA*- Federal Aviation Administration

*FAD*- final agency decision

*FHWA*-Federal Highway Administration

*FTA*-Federal Transit Administration

*LPA*- local program administration

*LEP*- Limited English Proficiency

*MPO*- Metropolitan Planning Organization (considered a subrecipient)

*NHTSA*-National Highway Traffic Safety Administration

*Noncompliance-* failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing regulations.

*Recipient-* any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.

*Subrecipient-* any entity (or individual) with which the state contracts to perform services funded in whole or in part by federal funds.

*Title VI of the 1964 Civil Rights Act-* provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (PROHIBITS DISCRIMINATION IN IMPACTS, SERVICES, AND BENEFITS OF, ACCESS TO, PARTICIPATION IN, AND TREATMENT UNDER A FEDERAL-AID RECIPIENT’S PROGRAMS OR ACTIVITIES)

## **TITLE VI RESPONSIBILITIES**

### **ADOT Director**

The Director supervises and administers the overall activities of the department and its divisions and employees. As such, the Director is responsible for ensuring the all civil rights requirements are met. Functions, duties or powers may be delegated as deemed necessary to carry out the efficient operation of the department.

### **Civil Rights Administrator**

The Director of ADOT has delegated responsibility for the agency's civil rights programs to the Civil Rights Administrator. These programs are: Title VI/Nondiscrimination; Disadvantaged Business Enterprise; External Contractor Compliance; Internal Affirmative Action; Disadvantaged Business Enterprise Supportive Services; On-the-Job Training/Supportive Services; and, the Americans with Disabilities Act. The Civil Rights Administrator has direct access to the Director for all program issues.

### **Title VI Program Manager**

The Civil Rights Administrator has delegated responsibility for the day-to-day implementation of the Title VI/Nondiscrimination program to the Title VI Program Manager.

The Title VI Program Manger will:

- Ensure the Title VI Assurances are signed by the current ADOT Director;
- Comply with FHWA, FTA, and FAA procedures to investigate Title VI complaints against sub-recipients;
- Develop procedures for the collection of statistical data (race, color, religion, sex, national origin and low-income status) of participants in and beneficiaries of ADOT programs;
- Conduct Title VI reviews of program areas (planning, project development; right-of-way; construction; and, research);
- Conduct annual reviews of special emphasis areas;
- Conduct Title VI reviews of cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid funds;
- Review ADOT program directives in coordination with ADOT program officials and, where applicable, include Title VI and related requirements;
- Conduct and/or coordinate Title VI training for ADOT and other sub-recipients;
- Prepare and disseminate an annual report of accomplishments for the past year and goals for next year;
- Update the Title VI program plan as necessary and submit to FTA, FAA, and the FHWA AZ Division for approval;

- Develop Title VI information for distribution to the general public, in other languages as needed;
- Conduct pre and post-grant reviews of ADOT programs and applicants for compliance with Title VI requirements;
- Establish procedures to identify and eliminate discrimination when found to exist;
- Establish procedures for promptly resolving deficiencies and documenting remedial action within 90 days;
- Monitor public participation for effectiveness;
- Develop and oversee implementation of ADOT's limited English proficiency plan;
- Review all environmental documents to ensure the proper inclusion of environmental justice and civil rights requirements; and,
- Coordinate and assist the Title VI Interdisciplinary Team

### **Title VI Liaison Program**

To facilitate the inclusion of civil rights requirements in all aspects of ADOT's operations, ADOT has established a Title VI Liaison program. Each program area has at least one liaison. The Liaisons work with the Title VI Program Manager to ensure their respective departments, programs and sub-recipients comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

The following divisions and offices have liaisons:

#### **Administrative Services Division (ASD)**

- Audit & Analysis
- Public Records Request
- Information Technology Group
- Procurement
- Safety and Health
- Grand Canyon Airport
- Facilities Maintenance and Support Group
- Equipment Services

#### **Transportation Services Group (TSG)**

- Civil Rights Office
- Personnel & Training
- Arizona Highways Magazine
- Budget
- Financial Management Services
- Physical Plant Operation
- Special Projects



- Strategic Planning

#### Communication and Community Partnerships (CCP)

- Community Relations
- Media Relations
- Partnering
- Public Involvement

#### Office of the Inspector General (OIG)

#### Policy and Governmental Affairs

#### Intermodal Transportation Division (ITD)

- Development
- Office of Environmental Services
- Operations
- Valley Transportation

#### Motor Vehicle Division (MVD)

- Director's Office
- Customer Service
- Competitive Government Partnerships
- Executive Hearing Office
- Division and Operation Support Services
- Executive Services Group
- MV Enforcement Services
- Special Border Projects
- Motor Carrier and Tax Services

#### Multimodal Planning Division (MPD)

- Admin Support Services
- Aeronautics Development & Services
- Multimodal Planning
- Planning Analysis
- Priority Programming
- Statewide and Regional Planning
- Transportation Research Center

## **Title VI Training**

The Title VI Program Manager is responsible for conducting and/or coordinating Title VI related training and staff development for Title VI Liaisons and sub-recipients. The Title VI Program Manager will organize or conduct a minimum of two Title VI training sessions annually; one for ADOT staff and one for sub-recipients. Other sessions may be added as needed.

Training may be conducted in several ways. Traditional classroom style sessions may be held. One-on-one sessions may be conducted upon request. Web based training is also an option.

## **ADOT Organization**

ADOT is organized into 4 divisions and 5 groups/offices to ensure the effectiveness.

The Multimodal Planning Division (MPD) is responsible for ensuring that a continuing, cooperative, and comprehensive statewide transportation planning process occurs. MPD is committed to providing the highest quality transportation research, plans, and programs to the public. The central objective of MPD is to help identify current significant transportation issues in Arizona as well as improve existing systems. MPD is also committed to researching and planning the development of supporting strategies needed to optimize investment to preserve and expand the State's transportation infrastructure.

MPD is comprised of the following sections:

- Systems and Regional Planning
- Transportation Programming (including airport development)
- Community and Grant Services (transit and rail programs)
- Data Management and Analysis
- Transportation Research Center

The Intermodal Transportation Division (ITD) oversees the construction and maintenance of the State Highway System and provides financial assistance to public airports for airport development projects.

ITD includes the following sections:

- Development – ROW, Roadway, Traffic, Statewide project management, bridge, development support, joint project administration group
- Valley Transportation – Phoenix Construction, Phoenix Maintenance; Valley project management, and regional freeway system groups
- Operations – Districts, Maintenance, Materials, Transportation Technology
- Environmental Services
- Engineering Consultant Section

The Motor Vehicle Division (MVD) oversees the issuing of drivers licenses and vehicle registrations by ADOT staff and licensed third parties. It also registers aircraft.

The Administrative Services Division is responsible the Department's support functions which include Audit and Analysis, Equipment Services, Facilities Management, the Grand Canyon Airport, Information Technology, Procurement, Public Records, and Safety and Health.

The Transportation Services Group includes Human Resources, Communication and Community Partnerships (CCP), Attorney General's Office, Government Relations, Employee Recognition and Civil Rights.

Arizona Highways Magazine features scenic Arizona photography, information on places to visit and a number of souvenir products with the intent of encouraging tourism to the state.

The Office of the Inspector General is responsible for investigating allegations of fraud and abuse in ADOT's programs.

Public Private Partnerships (P3) is a new office that is exploring partnerships with the private sector to build or improve Arizona transportation facilities. Through this office, ADOT may have additional methods to fund the construction and enhancement of roads, transit and other transportation facilities.

ADOT's Organizational Chart – Reporting Relationships. See Attachment “2”

ADOT's Transportation Services Group (TSG) Organizational Chart.  
See Attachment “3”

ADOT's Civil Rights Office (CRO) Organizational Chart, Staffing and Structure.  
See Attachment “4”

## **PROGRAM AREA MONITORING**

### **A. Planning**

The Title VI Program Manager and/or the Title VI Liaison for MPD will address the following questions/concerns during each annual review.

- How is input from minority groups/persons considered? Are comments or concerns factored into decisions? How is this communicated?
- How are Indian tribal governments included in the statewide planning process?
- How are Indian tribal governments included in the metropolitan planning process?
- Is data collection adequate? Does it include community boundaries, racial and ethnic population, income levels, and community services such as school, hospitals, employment centers, shopping areas?
- How are the social, economic and environmental (SEE) effects and impacts identified and described?
- How are benefits and/or burdens of transportation systems investments on minority and low-income populations analyzed? What data sources and tools are used to support the analysis?
- Are any citizen advisory groups utilized? How many? What are these groups' missions? How are members selected/appointed? What is the racial/ethnic composition of each group?
- How are contracting opportunities for planning studies, corridor studies or other work provided to minority and women owned businesses?
- Describe any significant accomplishments made during the past year.

### **B. Project Development**

Review questions for development,

- For public participation efforts not conducted by CCP, how is public involvement solicited and considered?
- Are SEE impacts adequately identified?

- How is the potential for disproportionate or discriminatory impacts addressed? Are they addressed adequately? Do community impact assessments include a compilation and analysis of demographic data?
- How are contracting opportunities for environmental assessments, engineering contracts, public involvement, etc. provided to minority and women owned businesses?
- Describe any significant accomplishments made during the past year.

### **C. Right-of-Way**

Review questions for right-of-way:

- Are Title VI provisions included in all realtor, fee appraiser, and negotiator contracts?
- Is there diversity in the use of appraisers? How is this accomplished?
- Does the selection of comparable sales and rental properties reflect discrimination and stereotypes?
- How are adjustments to the comparable sales and rental properties made? Do the adjustments reflect discrimination?
- How is consistency in the determination of severance/consequential damages ensured?
- Was every effort made to negotiate for required property before filing for condemnation?
- How are property owners fully informed of their rights to receive just compensation for the property before any donation of such property?
- What efforts are taken to overcome language barriers in all phases of the right-of-way process?
- Are offers made for the full amount of the review appraiser's determination of compensation?
- How do you insure that there is consistency in the application of minimum payment policy?
- How is relocation advisory assistance provided to displaced individuals? How is nondiscrimination and equity assured? Is data collected on the number of relocations, residential and business, involving minorities, women, elderly, low-

income and disabled persons? Provide a data for the relocations over the past year.

- Is the selection of comparable replacement housing fair, consistent, and without discrimination?
- Are decent, safe, and sanitary inspection standards consistently applied?
- Are personal contacts adequate? What training has staff be given?
- How are determinations of rental amounts made? Are they equitable?
- How is maintenance of rental properties done? Is it adequate and consistently performed for all renters?
- How are procurement opportunities for appraisers, title searches, property maintenance or other work provided to minority and women owned businesses?
- Describe any significant accomplishments made during the past year.

#### **D. Construction**

Review questions for construction:

- Are appropriate contract provisions incorporated into Federal-aid contracts?
- Does the monitoring /inspection of work by the State result in disparate treatment of protected groups?
- Are required mitigation efforts effectively implemented? For example: safety through construction zones, noise and air impacts; and employment and contracting goals.
- Do barriers exist in prequalification and approval of subcontractors? Are bonding and licensing requirements applied consistently?
- Does uniformity exist in the approval of plans changes and supplemental agreements?
- Does uniformity exist in the assessment of sanctions, liquidated damages, withholding payments, suspension/termination of contracts, and decertification?
- Describe any significant accomplishments made during the past year.

## **Research**

The following are questions for research:

- Is there diversification in the selection of consultants/universities?
- Are minority institutes of higher education provided opportunities to participate on studies?
- How are opportunities to conduct research projects provided to minority and women owned businesses?
- Describe any significant accomplishments made during the past year.

## **F. Additional program areas**

1. Communication and Community Partnerships (CCP) oversees communication with the public, communities and counties about ADOT and the agency's transportation activities. The office is also responsible for partnering with government agencies and businesses to improve working relationships and coordination on transportation projects.

Review questions:

- What is the public involvement process?
- How is effectiveness determined? How often is the process evaluated?
- Are minority and diverse language media appropriate included in all notification processes for public meetings or public review of agency documents?
- Has there been appropriate contact with minority groups or leaders to identify information needs and planning/programming issues of concern?
- Is technical information available in formats and at places and times conducive to review by minorities? Is information available in alternative forms, other languages, and to those with limited educations?
- Are persons traditionally underserved by transportation systems such as low-income, minorities, or LEP persons actively sought out for involvement? Do efforts go beyond passive opportunities to comment to notices placed in general circulation newspapers?
- Do meeting formats encourage participation by minorities or people with disabilities?

- Describe any significant accomplishments made during the past year.

## 2. Motor Vehicle Division

- How are services provided to those customers with limited English proficiency?
- How are lawful presence requirements administered? How does MVD ensure applicants are not discriminated against in the drivers licensing process?
- How are customers notified of their Title VI rights? Are they notified of the process to file complaints?
- Describe any significant accomplishments made during the past year.

## 3. Sub-recipient Reviews

Sub-recipients of Federal-aid in Arizona include metropolitan planning organizations, councils of government, local governments, universities, private non-profit agencies, airport authorities and contractors/consultants.

The five metropolitan planning organizations in Arizona are:

- Maricopa Association of Governments (Phoenix metro area) - MAG;
- Pima Association of Governments (Tucson metro area) – PAG;
- Central Yavapai Metropolitan Planning Organization – CYMPO;
- Flagstaff Metropolitan Planning Organization - FMPO
- Yuma Metropolitan Planning Organization - YMPO

There are four councils of governments:

- Northern Arizona Council of Governments - NACOG
- Southeastern Arizona Government Organization - SEAGO
- Western Arizona Council of Governments - WACOG
- Central Arizona Association of Governments – CAAG

There is one transit authority

- Northern Arizona Intergovernmental Public Transportation Authority - NAIPTA

There are 15 counties and approximately 90 cities and towns.

Additionally, there are 22 Indian tribes within the state, with 21 reservations.

The Title VI program manager will review all MPO's and COG's every three years using the attached Nondiscrimination/Title VI Review Guidelines. See Attachment "5".



Transit agencies will be reviewed every three years using the Site Review Checklist. See Attachment “6”. Additional entities will also be reviewed on a tri-annual schedule.

The Title VI Program Manager will collaborate with Program Area Title VI Liaisons to conduct periodic pre-grant and post-grant reviews of select sub-recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

All FTA subrecipients to programs administered by ADOT are required to submit their Certifications and Assurances by original signature as part of the Application Package, and State Agreement for Funding. For Section 5310, 5311, 5316 & 5317 program handbooks and applications refer to:

[http://mpd.azdot.gov/mpd/Community\\_Grant\\_Services/ProgGuide.asp](http://mpd.azdot.gov/mpd/Community_Grant_Services/ProgGuide.asp)

## **Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities**

### **A. Overview**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by ADOT, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at ADOT and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

### **B. Procedure**

1. Any person, or specific class of persons believing they have been subjected to discrimination prohibited by the legal provisions of Title VI, Section 504, ADA may file a written complaint with ADOT's Civil Rights Office (CRO).
2. A formal complaint must be filed within 180 calendar days of the date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct. This timeframe is prescribed by 49 CFR 21.11(b).
3. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The Title VI Program Manager or a Liaison will assist the complainant with documenting the issues if necessary.
  - b. Present the date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.
  - c. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of-incident.

- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for the CRO to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to the CRO for processing.
- 4. Upon receipt of the complaint, the CRO will determine its jurisdiction, acceptability or need for additional information before initiating its investigation. In cases where the complaint is against one of ADOT's subrecipients of federal funds, ADOT will assume the jurisdiction and will investigate and adjudicate the case. Complaints against ADOT (except for complaints against MVD per NHTSA) will be referred to the corresponding USDOT modality for proper disposition. In special cases warranting intervention to ensure equity, the USDOT modality (FHWA, FTA, and FAA) may assume jurisdiction and either complete or obtain services to review or investigate matters.
- 5. Acceptance of a complaint will be determined by:
  - a. Whether the complaint is timely filed;
  - b. Whether the allegations involve a covered basis such as race, color, national origin, age, gender, disability or retaliation;
  - c. Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipients, or contractor; or, in the case of ADA allegations, an entity open to the public;
  - d. Whether the complaint is beyond the administrative authority of ADOT.
- 6. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint;
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint, or otherwise fails or refuses to cooperate in the investigation;
  - c. The complainant cannot be located after reasonable attempts to contact him or her.

7. The CRO has sole authority for accepting complaints against sub-recipients for investigation. Within 5 days of receipt of the complaint the CRO will acknowledge its receipt to the parties as well as the course of action on the complaint. The course of action may include acceptance of the complaint for investigation, request for additional information or rejection of the complaint. The complaint will receive a case number and then be logged in the CRO's records identifying its bases, alleged harm, the race, color, national origin, age and gender of the complainant(s).
8. In cases where ADOT assumes the investigation of the complaint, the CRO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of the CRO's written notification of acceptance of the complaint to furnish his/her response to the allegations.
9. Within 45 calendar days of the acceptance of the complaint, the ADOT investigator\* will prepare a draft investigative report for the review of the ADOT CRO Deputy Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.  
  
\* This can be ADOT's Title VI Program Manager or any other qualified investigator designated by the CRO.
10. Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the ADOT CRO Administrator.
11. There will be a period of 7 calendar days for the ADOT CRO Administrator to discuss the report and any recommendations with the ADOT Director, and have the investigator address any modifications to the existing investigative report. The report will be modified as needed and made final for its release to the corresponding USDOT modality (FHWA, FTA or FAA, NHTSA).
12. ADOT's final investigative report with the preliminary findings and a copy of the complaint will be forwarded by certified mail to either FHWA (Arizona Division office Civil Rights Specialist), FTA, or FAA or NHTSA, within 60 calendar days of the acceptance of the complaint, per 23 CFR 200.9(b)(3).
13. ADOT CRO will notify the parties of its preliminary findings, which are subject to the corresponding USDOT modality's concurrence.
14. The corresponding USDOT modality will issue its Final Agency Decision (FAD) to ADOT based on the state's investigative report.

15. Once the corresponding USDOT modality issues its final decision and notifies ADOT, ADOT will notify all parties involved about such determination. USDOT's final determination is not subject to an administrative appeal.
16. A complainant dissatisfied with USDOT's FAD may file action with the appropriate US District Court.

## **Remedial Action Procedures**

When irregularities occur in the administration of Federal-aid highway or other Federal funded programs at either ADOT or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The Title VI Liaison for that program area will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during reviews. ADOT CRO will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the Title VI Program Manager or Liaison will reduce to writing any recommended remedial action agreed upon by ADOT and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, ADOT Program Area will submit to FHWA, FTA or FAA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the ADOT program area or sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, ADOT may, with FHWA's, FTA's or FAA's concurrence, initiate sanctions per 49 CFR 21.

## Reporting

### A. Annual Accomplishments report

The annual accomplishments report will describe what actions were taken by the Title VI Program Manager during the year. This report includes:

- Any changes in staffing
- Revisions to the Title VI Implementation Plan
- Signed Assurances if a new director is appointed
- Reviews of program areas
- Special emphasis reviews
- Subrecipient reviews
- Training conducted
- Pre- and post-grant reviews
- Documents reviewed including policies, directives, environmental, etc.
- Number and disposition of complaints

### B. Goals for the next year

Goals for the next year should include:

- Reviews of program area
- Which special emphasis program area will be reviewed
- Which MPO and which COG will be reviewed
- Any other significant items planned

## **ADOT's Title VI Notice to the Public**

The following notice will be posted in all ADOT public buildings:

The Arizona Department of Transportation (ADOT) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, national origin, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which ADOT receives Federal financial assistance.

Any person, who believes his /her Title VI protection has been violated, may file a complaint. Any such complaint must be in writing and filed with the ADOT Civil Rights Office, Title VI Program Manager within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the ADOT Civil Rights Office by calling (602) 712-7761.

El Departamento de Transporte del Estado de Arizona ADOT da aviso al publico que es la norma de esta agencia asegurar cumplimiento total con el Titulo VI de la Ley de los Derechos Civiles de 1964, la Ley de Restauracion de 1987, y articulos relacionados y regulaciones en todos los programas y actividades. El Titulo VI require que ninguna persona sera discriminada por razon de raza, color, pais de origin, sexo, edad o discapacidad; sera excluida de participar en, denegar servicios de programas, ayudas o beneficios por ningún programa o actividad financiados por el gobierno federal.

Cualquier persona que crea que se ha violado su protección bajo el Titulo VI, puede presentar una queja. Esta queja debe ser por escrito con la Oficina de Derechos Civiles de ADOT dentro de los ciento ochenta (180) días de la fecha en que se alega que la discriminación ocurrió. Para recibir formularios de reclamo por favor póngase en contacto con la oficina ADOT Oficina de Derechos Civiles llamando al (602)712-7761.



**Arizona Department of Transportation**  
**Civil Rights Office**  
**Title VI Program**  
**Limited English Proficiency Guidelines**

## What is Limited English Proficiency

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be limited English proficient (LEP).

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. The diversity of Arizona's population is due to this evolving change. It is critically important that the Arizona Department of Transportation (ADOT) be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other program areas such as: Local Assistance, Aeronautics, and Transportation. According to the 2000 US Census, the race/ethnic mix of Arizona is White 75.50 percent, Black 3.10 percent, Hispanic 25.25 percent, Asian and Pacific Islander 1.93 percent, and American Indian 4.99 percent.

### Authority:

Executive Order (EO) 13166 - *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

### How does LEP affect the Department of Transportation?

The following matrix illustrates legal and policy considerations that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and	Provides protection on the basis of national origin Focuses on providing

national origin Focuses on eliminating discrimination in federally funded programs	LEP persons federally funded programs with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA
Provides protection on the basis of sex, gender, age and disability	Provides protection on the basis of sex, gender, age and disability

### Division/Program Responsibility

EO 13166 directs recipients of Federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities and services.

The following chart, although not exhaustive, illustrates ADOT divisions/programs and Title VI Program activities and responsibilities relative to LEP services.

<b>Activity</b>	<b>Responsibility ADOT Division/ Programs</b>	<b>Title VI Program</b>
1. Assessing and addressing the needs of eligible persons	<b>x</b>	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	<b>x</b>	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	<b>x</b>	
4. Compliance, monitoring, and oversight	<b>x</b>	<b>x</b>
5. Providing technical assistance and guidance		<b>x</b>
6. Reporting accomplishments and goals	<b>x</b>	

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the service provider and the LEP person. To accomplish effective communication, the following actions and discussions are considered appropriate at a division/program level:

1. Perform a needs assessment.
2. Provide for oral language assistance.
3. Notify LEP customers of the availability of language assistance services.
4. Translate vital documents in languages other than English into appropriate language.
5. Train staff.
6. Develop written procedures.
7. Monitor and evaluate access to language assistance.

#### **1. *Perform a needs assessment***

Each divisions/programs is to continuously assess language assistance needs of the population to be served by identifying the following:

1. Languages likely to be encountered and number of LEP persons in the eligible population likely to be directly affected by its program.
2. Public contact where language assistance is needed.
3. Resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

#### **2. *Provide for oral language assistance***

Each division/program is to provide LEP persons with oral language assistance at reception desks or when telephone contact is appropriate. Such assistance may take the form of bilingual staff, use of electronic translation services or the use of voluntary community interpreters who are skilled and competent in interpreting.

Employment of bilingual staff in divisions and programs is recommended, when feasible, where the percentage of LEP customers or potential customers is statistically significant or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ bilingual staff should be based on a needs assessment with consideration given to available resources and in accordance with departmental policy.

**3. *Notify LEP customers of the availability of language assistance Services***

LEP persons have the right to language assistance at no cost to them in their spoken language. ADOT divisions/programs are responsible for informing the public of this right. Language identification cards or posting signs in public areas are methods that can be used to provide notice of the service.

**4. *Translation of vital documents in languages other than English***

It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served and/or eligible to be served have limited English proficiency. Written materials include electronic documents and web-sites.

Vital Documents are documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or her participation in the program or activity. Examples of vital documents include, but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance and outreach and community education materials. It is recommended that divisions/programs develop criteria for deciding which documents are vital thereby subject to translation.

Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

**5. *Train Staff***

Training staff on policies and procedures of language assistance and how to determine whether a customer needs language assistance services is essential to bridging the gap between policies and actual practices.

Training should include how to obtain language assistance services and communication with interpreters and translators. Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint. (Refer to the Complaint Handling)

## **6. *Develop written procedures***

To implement a successful language assistance program, guidance shall be provided to all employees through written procedures that address the following:

1. Identification and assessment of language needs.
2. Oral language assistance; including vendor charges for services, procedures on how to access and to request Department translation assistance.
3. Written translation of materials and publications.
4. Oral and written notification of the availability of language assistance.
5. Staff training on language service provision.
6. Monitor access to language assistance.

## **7. *Monitor and evaluate access to language assistance***

Monitoring and evaluating the accessibility and quality of language assistance needs of LEP persons ensures that LEP persons can meaningfully access programs and activities and is the responsibility of the respective divisions/programs. At a minimum, divisions/programs should conduct an annual assessment to determine: the current LEP composition of its service area; the current communication needs of LEP persons; whether existing assistance meets LEP needs; whether staff is knowledgeable about policies and procedures and how to implement them; and whether sources of and arrangements for assistance are still current and viable. One mechanism for monitoring is to seek feedback from customers and advocates.

Data collection and record keeping are key to an effective monitoring and compliance system. Analysis of the data collected provides an overview of how services are provided. Data collection mechanisms include the following:

- Race of LEP person
- Ethnicity of LEP person
- Primary language of the population in the program service area
- Primary language of customers served
- Data upon which the division based language needs assessment
- Number of LEP persons, by language group, who received language services

## **LEP Criteria**

The following are factors for divisions/programs to consider when determining what reasonable steps to take to provide LEP individuals with meaningful access to its programs, activities, and services.

- A factor in determining the reasonableness of a division's/program's efforts is the number or proportion of people who will be excluded from the program or activity absent efforts to remove language barriers.
- Consider the frequency of contact. Obligations will differ for division/programs who have little contact with individuals who are LEP compared to a division/program who serves a large LEP population.
- Consider the available resources. A larger division/program with extensive resources may have to take greater steps than a smaller unit with limited resources. On the premises translators may be appropriate in some circumstances; however, written translation, access to centralized interpreter language lines or other means, may be appropriate in other situations.
- Costs must be factored into this balancing test as part of the consideration of "resources available." "Reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance. A suggestion might be to prioritize so that the language services are targeted where most needed because of the nature and importance of activity involved.

## **Guidance/Resources**

The guidance documents and their resource listed below are provided to assist divisions/programs with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000  
<http://www.usdoj.gov/crt/cor/>
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001  
<http://www.usdoj.gov/crt/cor/lep/Oct26>

- United States Census 2000 Language Identification Flashcard

### ***Technical Assistance***

The ADOT Civil Rights Office Title VI Program Manager is responsible for providing ADOT division/programs with technical assistance. This includes advising divisions/programs of LEP requirements and implementing and assisting in developing individual program plans and mechanisms.

### ***Compliance and Enforcement***

ADOT Division/Program Liaisons are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. Additionally, the designated Title VI Liaison will continuously monitor their respective division/programs to ensure LEP requirements are fulfilled and report annually on the accomplishments and upcoming goals relating to LEP activities to the ADOT Civil Rights Office Title VI Program Manager.

In determining whether LEP compliance is met, the Title VI Program Manager will assess whether the division/program's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division/program's activities and services. The division/program's appropriate use of methods and options detailed in this LEP Plan will be viewed as evidence of intent to comply with LEP requirements and the Title VI of the Civil Rights Act of 1964.



## **ATTACHMENT "1"**

### **ADOT's Title VI Assurances**

The Arizona Department of Transportation (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), the Civil Rights Restoration Act of 1987 (Public Law 100.259) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program:

1. That the Recipient agrees that each "Transportation program" and each facility as defined in 49 CFR 21.23(b) and (e) and the Civil Rights Restoration Act of 1987, will be (with regard to a "program" or activity) conducted, or will be (with regard to a "facility") operated in compliance with all nondiscriminatory requirements imposed by, or pursuant to, the Regulations and this agreement.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full

opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated \_\_\_\_\_

\_\_\_\_\_  
(Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)

Attachments  
Appendices A, B, and C

## APPENDIX A

**During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:**

- (1) Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Arizona Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Arizona Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Arizona Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract. or procurement as the Arizona Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Arizona Department of Transportation to enter into such litigation to protect the interests of the Arizona Department of Transportation, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

**The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.**

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Arizona Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) does hereby remise, release, quitclaim and convey unto the Arizona Department of Transportation all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto Arizona Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Arizona Department of Transportation, its successors and assigns.

The Arizona Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [and]\* (2) that the Arizona Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on

said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

**The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Arizona Department of Transportation pursuant to the provisions of Assurance 7(a).**

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Arizona Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



**The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Arizona Department of Transportation pursuant to the provisions of Assurance 7(b).**

The (grantee, licensee, lessee, permittee, etc. as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, or sex shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

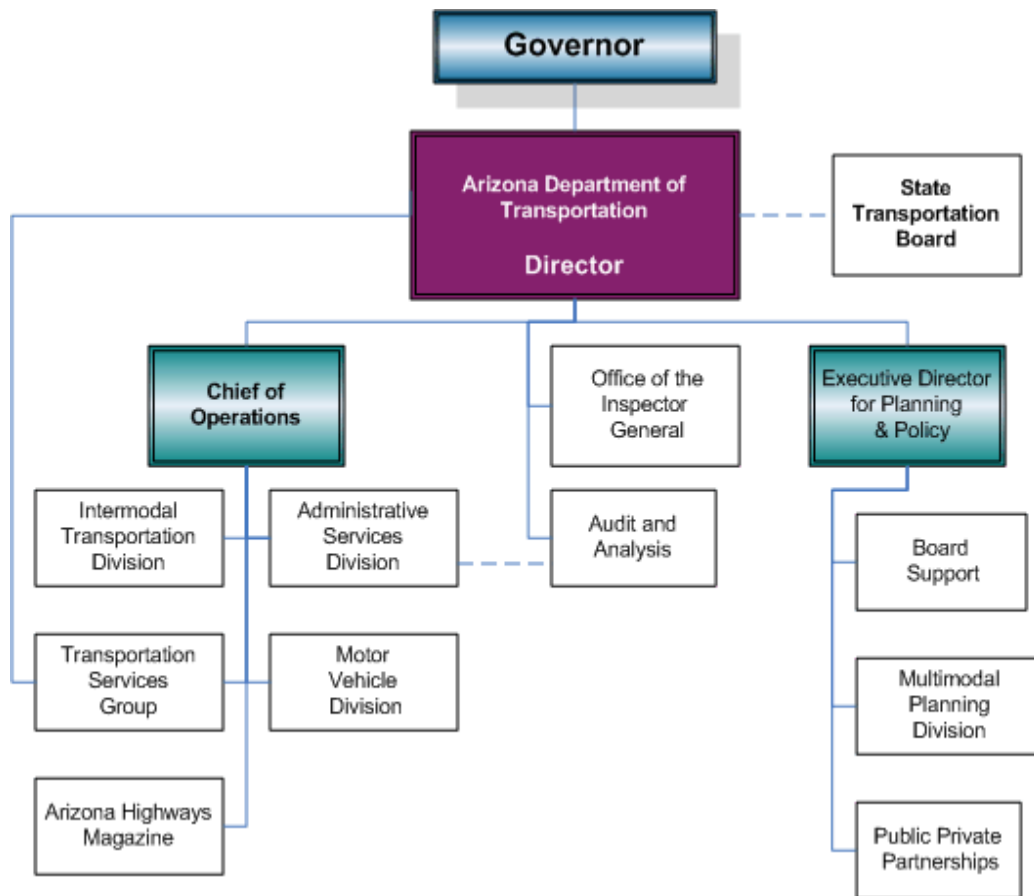
That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

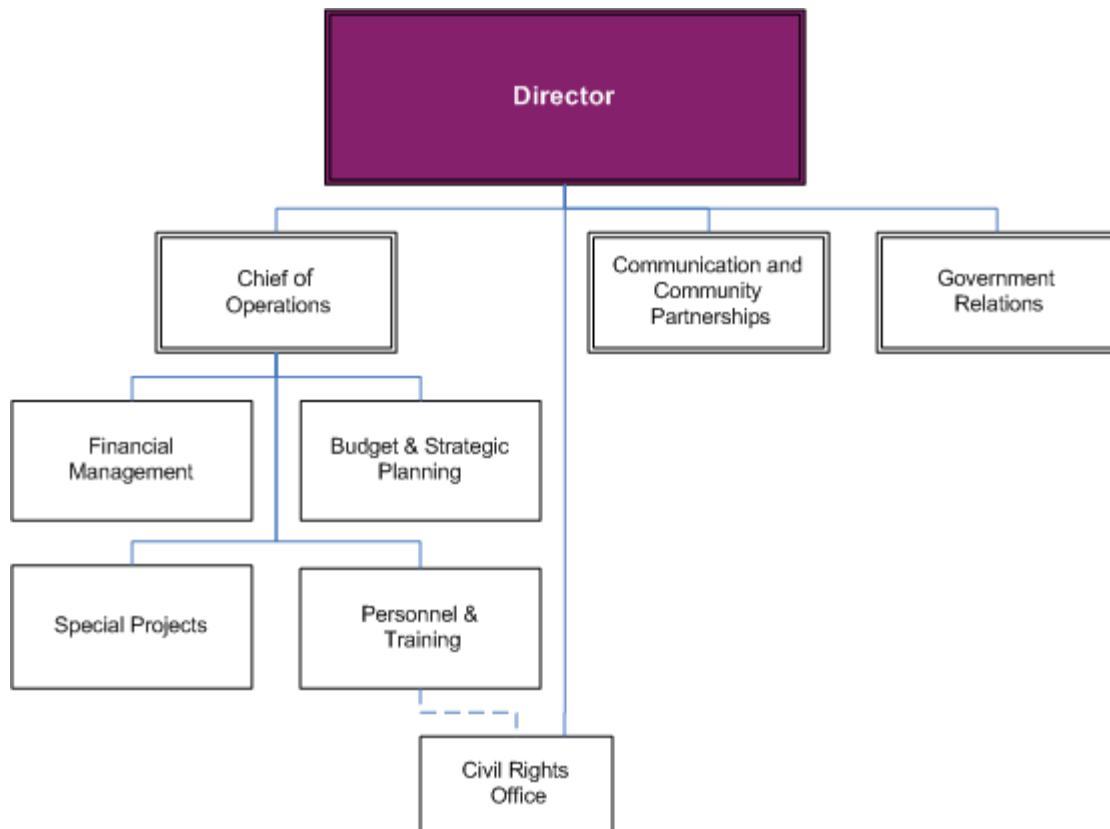
That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Arizona Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

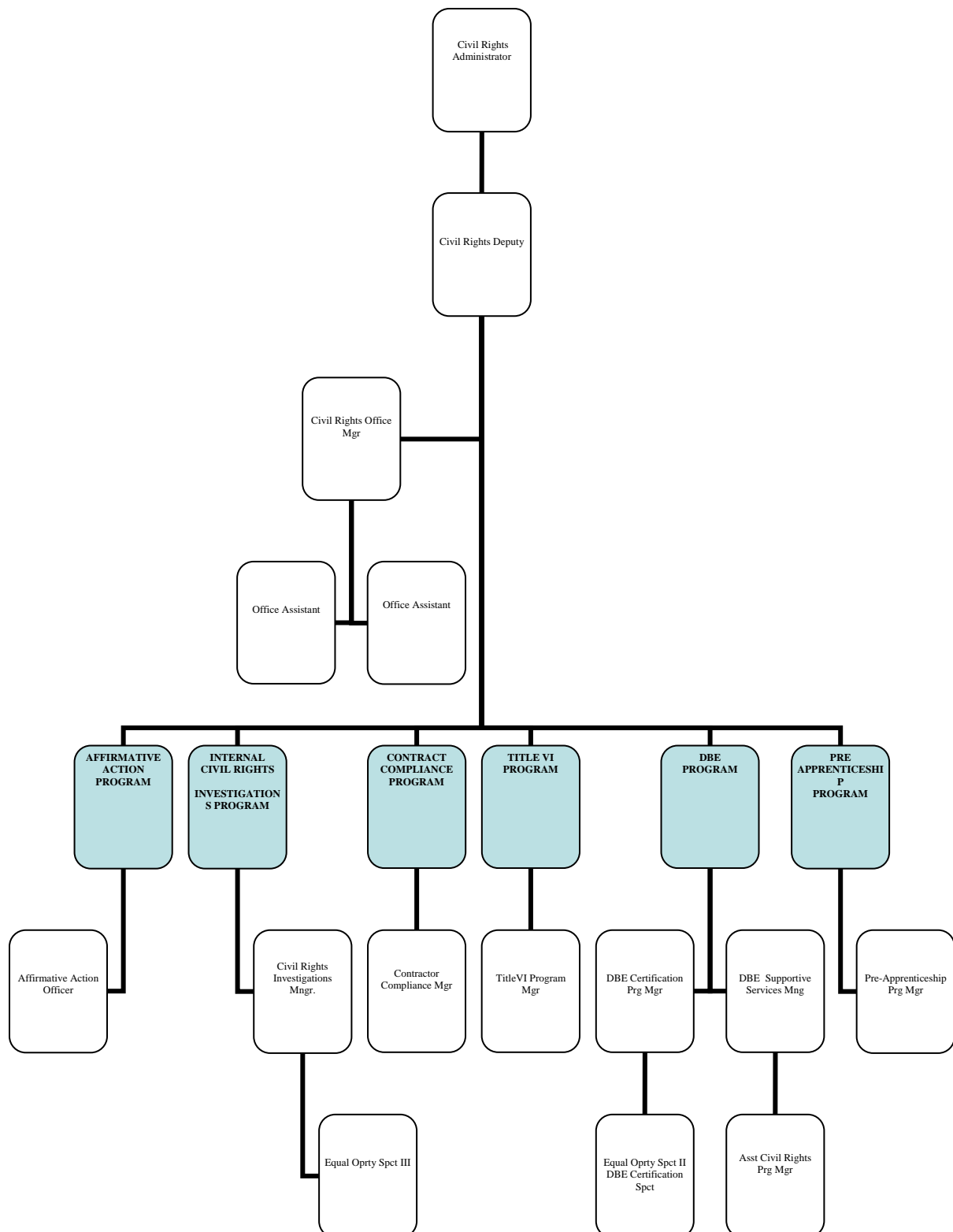
**ATTACHMENT “2” Arizona Department of Transportation Organization Chart**



### ATTACHMENT “3” Transportation Services Group (TSG)-Organization Chart



## ATTACHMENT “4” Civil Rights Office Organizational Chart, Staffing and Structure



## ATTACHMENT “5” Non-discrimination/Title VI Review Guidelines

### NONDISCRIMINATION/TITLE VI REVIEW GUIDELINES

#### TRANSPORTATION PLANNING

- A. Has the Transportation Planning Department received any specific Title VI complaints? If so, what corrective action has been taken?
- B. What techniques and procedures are employed that will provide data relative to minority persons and income levels?
- C. Regarding transportation planning:
  - 1. Do the urban planning procedures provide for comparing and the impact of a planned system and route upon both minority and non-minority areas?
  - 2. To what extent is the below listed information compiled and correlated by using maps or other display techniques for urban areas:
    - a. The major racial population, including Indian Reservations, in the portion of the urban area through which the alternative location(s) pass.
    - b. The route of the proposed corridor.
    - c. The location of proposed entrances and exits along the proposed corridor.
- D. To what extent is the below listed information compiled and correlated by using maps or other display techniques in rural areas:
  - 1. The general location of persons (by race) living in the vicinity of the proposed highway facility and in areas which will be primarily affected by the facility, including Indian reservations.
  - 2. The route of the proposed corridor.
  - 3. The location of proposed entrances and exits along the length of the proposed corridor.
  - 4. The location of other roads in the area and the status of their condition (e.g., paved two-lane, nonpaved but graded, dirt, unimproved, etc.)
  - 5. A description of the proposed highway indicating the type of facilities to be constructed.
- E. Citizen participation:
  - 1. To what extent has Transportation Planning developed a formalized procedure (organization, responsibilities, etc.) to provide for citizen participation in the transportation planning process?
  - 2. Are the transportation disadvantaged, both individually and through their organizations, represented in the citizen participation effort; and if so, how many and in what capacity?
  - 3. Are there any further affirmative actions taken to enlist the involvement and support of the transportation disadvantaged?

## ENVIRONMENTAL PLANNING

A. Compare the environmental documents, such as environmental assessments and environmental impact statements, between minority and non-minority areas affected with regard to detailed covered and conclusions reached:

1. Impact of location and alternatives studied on neighborhoods.
2. Estimate the number of persons by race and income levels who are to be relocated. Compare the price of housing (available or that which will become available) that falls within a price range relocates could afford.
3. Does the environmental statement identify persons to be affected by race, color, national origin, and sex, and compare to the characteristics of the population surrounding the proposed project (e.g., percentage of minority population residing near the project versus the percentage located with a single or multiple county area).
4. Compare the extent the information contained in the above was utilized to develop mitigation measures to specifically address potentially disproportionately high and adverse effects on minority persons.
5. For completed projects, compare mitigation measures contained in the environmental document to determine if measures were taken.

B. Citizen Participation:

1. Select at least two current projects (one rural and one urban) in the selected design stage that are reasonably comprehensive in scope and importance, and that involve minority groups to a significant degree, to determine if the minority groups had an adequate voice in the planning , location, and design phase of the highway proposal.
2. Was a successful attempt made at the project design state (prior to location, selection and approval) to identify and directly consul with recognized minority leaders, including Indian leaders, concerning projects? If not, were subsequent attempts made or will such attempts be made to consult through local elected officials or though minority organizations?
3. Were informal hearings or meetings held with the minority community prior to location hearings for the purpose of answering questions, and receiving suggestions concerning the proposal? If so, what were the results?
4. Formal hearing results:
  - a. Was the design public hearing held in a location reasonably convenient for minority participation?
  - b. Was the hearing process properly advertised so as to adequately inform the minority community (newspapers, posters, etc.)?
  - c. Compare the scheduled time and location of the hearing with the convenience of the persons to be relocated.
  - d. Were minority leaders invited to attend and present testimony?
  - e. Did such minority leaders attend the hearing?

- f. To what extent were questions and objections answered or resolved?
- g. Were the suggestions made implemented or given adequate consideration?
- h. Is information regarding the availability of hardship acquisition discussed at the public hearing?
- i. To what extent is the fair housing requirements discussed when minorities are to be relocated?
- j. What provisions are utilized to overcome any language barrier at the hearings?
- k. Is sufficient time allotted to reasonable answer questions by persons attending the hearings?

## ENGINEERING CONSULTANTS SECTION

### A. Consultant Contracts:

1. What considerations are given to minority and female consultants in the selection of consultants for projects? Please explain the procedures.
2. When were the procedures last updated?
3. How is a consultant firm selected?
4. Is a list of prequalified consultant firms maintained:
  - a. How many are listed?
  - b. How many are DBE's?
  - c. How many have active contracts?
  - d. How often are consultants screened and considered by a review committee?
5. Who is responsible for selecting the firm or firms to be considered for a particular contract?
  - a. How many contracts are held by minority or female consulting firms?
  - b. How many subcontracts are held by minority and female consulting firms? Please specify the number and percentage.
  - c. Have any significant problems been encountered in locating qualified minority and female consultants?
6. How do you ensure that consultants select subconsultants on a nondiscriminatory basis?
7. Do agreements, contracts, etc., require recipients to comply with Title VI responsibilities?



## RIGHT-OF-WAY

- A. Have any specific civil rights complaints been received in the following areas:
  - 1. Appraisals
  - 2. Negotiations
  - 3. Relocation assistance and payments
  - 4. Property management
- B. Describe the policies and procedures used to assure nondiscrimination in the employment of firms and individuals to perform right-of-way related functions.
- C. Real Estate Appraisals:
  - 1. Are appropriately qualified minority and non-minority appraisers given an equal opportunity to appraise all types of property, including minority owned properties?
  - 2. On projects consisting of both minority and non-minority takings, are appraisal standards and practices uniformly applied?
- D. Negotiations:
  - 1. Does negotiator's log reflect disparity in the negotiations between minorities and non-minorities?
  - 2. Are minority and non-minority relocates equally appraised of their benefits, rights, and options in connection with the negotiations and possible condemnation process?
  - 3. Is the frequency of negotiation price offer updating comparable between minority and non-minority properties?
  - 4. Are minority and non-minority owners similarly appraised of the owner retention rights during the negotiation phase?
- E. Advance Acquisition:
  - 1. Are the requests for hardship acquisitions by minorities and non-minorities given equal consideration?
- F. Relocation Assistance and Advisory Services:
  - 1. Are the benefits, services and assistance program explained and uniformly provided to minority and non-minority relocates?
  - 2. Are relocation services provided by employees who can effectively communicate with relocates with language difficulties?
  - 3. When both minorities and non-minorities are being relocated from the same area, are the comparable replacement dwellings utilized for computing the replacement housing payment for both minority and non-minority displaces located in the same area?
  - 4. Are minority and non-minority relocates appraised of and given an equal opportunity to select the location to which they desire to move; and within their economic means are they assisted in obtaining housing in the selected location?
  - 5. Are replacement housing and decent, safe and sanitary standards applied uniformly for minorities and non-minorities?
  - 6. Are comparable replacement housing and referral housing utilized available without regard to race, color, national origin, or sex, and is such

housing checked to ensure it is available without regard to race, color, national origin or sex?

7. Are follow-up contacts on replacement housing referrals by relocation personnel made uniformly for minorities and non-minority relocatees?
8. Are minorities and non-minorities equally appraised of other federal programs, which can be of assistance to relocatees in obtaining replacement housing, such as FHWA and VA repossessed housing and HUD 235 and 236 housing?
9. Are selected sites and last resort replacement housing, to the extent possible, uniformly responsive to the needs and desires to minority and non-minority relocatees?
10. Are minority and non-minorities given an equal opportunity to bid on and obtain contracts awarded for providing relocation assistance services on all phases of constructing last resort replacement housing?
11. Is last resort replacement housing (proposed and/or built) fair housing as defined by Title VIII of the Civil Rights Act of 1968?

G. Property Management:

1. Are 90-day notices, final notices, and extensions of occupancy uniformly applied to both minority and non-minority groups?
2. Are rental rates uniformly applied, and are delinquent tenants treated in the same manner?
3. Are property maintenance and rodent control practices administered the same in both minority and non-minority neighborhoods?
4. Do the methods of demolition in minority and non-minority areas differ in :
  - a. Contracting practices?
  - b. Timeliness of removal after vacancy?
  - c. Safety measures afforded adjacent properties?
  - d. Site and street clean up?

## CONTRACTS AND SPECIFICATIONS

### A. Prequalification:

1. Describe the procedures and policies for determining qualifications of proposed contractors?
2. Who is responsible for making prequalification decisions? Please indicate by titles.
3. Is there a standard form for contractors to use in submitting prequalification data? If so, does the form require any entry that would identify race, sex, color or national origin of contractors?
4. Can minority or women contractors be identified by records or correspondence in the files?
  - a. If so, how many minority contractors are prequalified?
  - b. How many non-minority?
5. Discuss affirmative actions taken to encourage and assist minority and women contractors to become prequalified.
6. Are prequalification requirements relaxed to encourage participation by minority and women contractors?
7. How many minority and women contractors applied for prequalification in the previous three years?
  - a. How many applications were denied?
  - b. How many of the denied applicants were minority contractors?
  - c. If minority or women contractors were denied prequalification, review files or denied applications to determine equality of treatment.
8. Did any contractors default on a federal-aid contract or did any have their prequalification withdrawn or rating reduced in the three previous fiscal years?
  - a. Were any of the above minority or women contractors?
  - b. What caused the minority or women contractors to default?
  - c. Can the cause be related to the contractor's ability to do the work as evaluated in the prequalification application?
9. How long does it take to prequalify a contractor?
10. Were any of the contractors in the three previous fiscal years unable to bid on a project because their application for prequalification could not be processed in time?
  - a. How many were minority or women contractors?
  - b. Was there any difference in time for processing minority and non-minority applications? Explain.

### B. Licensing of Contractors:

1. Are contractors required to be licensed to work? If so, when must a license be obtained?
2. Was any low bidder at any time unable to obtain the required license with the result it was not awarded to contract?
  - a. If so, was it a minority bidder?
  - b. Why was the contractor unable to obtain a license?

C. Federal Construction Contracts or Agreements:

1. Describe the procedure for advertising construction projects for bid.
    - a. Are advertising notices posted in newspapers having large minority circulation?
    - b. Determine if advertisement and announcements reach the minority community, including the use of minority and foreign language newspapers where appropriate.
    - c. Are trade associations, such as AGC or ARTBA, notified?
    - d. Are any associations for minority contractors notified?
    - e. If there are no names of minority trade associations, how has it been determined that there are none?
  2. Discuss affirmative actions for obtaining participation and involvement of minority contractors in federal-aid construction. This could include designing small contracts for work which could be constructed separately from major roadway construction so as to encourage minority involvement.
  3. Discuss affirmative actions to encourage general contractors to utilize minority subcontractors and material suppliers.
  4. Discuss procedures used to assure that subcontract agreements, first and second-tier, and material and supply agreements contain Title VI contract provisions.
  5. Have any low bidders been unable to furnish a contract bond?
    - a. If so, how many were minorities?
    - b. How many non-minority?
    - c. How are cases handled where the low bidder cannot furnish a contract bond?
  6. What kind of proposal guarantee is acceptable?
  7. Has any contractor's bid been rejected because there was no proposal guarantee?
    - a. Was it a minority contractor?
    - b. If a bid has been rejected, or not considered because it was not accompanied by a proposal guarantee, what action is taken to prevent future occurrences?
  8. If a bond is acceptable, is a file maintained of approved bonding companies?
    - a. What procedure is followed if a bidder submits a bond from a company not listed in the file?
- D. When work is performed by other than regular contract bidding procedures, consider the following:
1. Are any contracts negotiated for any federal-aid construction work (other than negotiated force account on ongoing contracts)?
    - a. If so, was notice of intent circulated in minority newspapers?
    - b. Have any minority contractors been successful in obtaining a negotiated contract?

- c. Are Title VI provisions included in continuing contracts for specialty work and for utilities performing work (other than adjustment of existing facilities) in constructing new facilities?

## ATTACHMENT “6” Transit Site Visit Checklist

### SITE REVIEW CHECKLIST

ADOT Representative(s) Conducting Site Review:

Date:

#### SECTION I – Organization Identification (All grant programs)

1. Organization Name:

2. Mailing Address:

Phone:

Fax:

Email:

3. Organization Type:

Local Government

Private For-Profit

Other

Private Non-Profit

Native American Tribe

4. Last Review Date, if known:

5. Site Review Location:

6. Organization Representatives at this Site (Names, titles, phone numbers, Email addresses):

7. Provide a brief description of the transportation service you provide:

#### SECTION II – Funding Information for Organization

1. FTA Funding Source(s) covered for this Site Review (Section 5310, 5311, 5316, 5317, ARRA)

2. Additional Federal Funding Sources:

3. Do you have a transportation budget? (Section 5310, 5316 and 5317 grant programs)  
Yes                      No                      (If yes, obtain a copy)

4. What are your sources for required local match funding for the capital grants you receive?  
(Section 5310, 5316 and 5317 grant programs)

5. What are your sources of funding for the costs of operating your service?  
(Section 5310, 5316 and 5317 grant programs)

6. Has a financial audit of your organization been conducted in the past three years?  
 (All grant programs) Yes No Don't Know  
 If yes, describe any outstanding issues: (Obtain a copy if available)

### SECTION III – General Program Compliance (All grant programs)

1. Has your agency/program undergone significant change since your last review?
- |                                     |     |    |
|-------------------------------------|-----|----|
| Organization/Ownership              | Yes | No |
| Ridership/Type of Service/Clientele | Yes | No |
| Service Area/Service Hours          | Yes | No |
- If yes, please explain:
2. Are you providing service and using your vehicles, equipment, and facilities in accordance with your contract with ADOT? Yes No  
 If no, what are the exceptions to the contract?
3. Are you included in the *Regional Transportation Coordination Plan* for your area?  
 Yes No If no, please explain:
4. Have you engaged in any coordination/contracting activities with a human services provider or transit agency in the past two years? Yes No  
 If yes, please summarize:
5. Do customers call in advance to reserve a ride? Yes No  
 If yes, explain the process:
6. How are no shows and cancellations handled and documented?
7. Are flag stops occurring when a vehicle is in service? Yes No  
 If yes, what is your policy?
8. Describe procedures used when service cannot be provided:
9. Is there a procedure for customers to file complaints or compliments regarding the service or employees?  
 (Include a sample) Yes No
10. Explain the process drivers and supervisors use to report accidents:  
 (Check for policies and procedures)
11. What is your policy for handling disruptive passengers?  
 (Check for policies and procedures)
12. Is the Job Safety and Health Protection (OSHA) sign posted? Yes No  
 (If no, get commitment to post sign)
13. Is the Drug-Free Workplace certification posted? Yes No  
 (If no, get commitment to post sign)

#### **SECTION IV – Human Resource Management (All grant programs)**

1. Organization Personnel manual (Describe currency, status, last date updated, etc.) Obtain copy for ADOT files, if not previously provided:
2. Recruitment Efforts (Describe recruitment efforts, including minority recruiting, access for disabled applicants, and other recruiting/advertising activities):
3. Does your agency include an Equal Employment Opportunity (EEO) statement in all job announcements?  
Yes                      No                      If no, please explain:
4. Equal Employment Opportunity (Describe presence of required posters, policy statements and related documentation showing compliance with EEO policies) Refer to sections of Personnel manuals:
5. Policies Prohibiting Harassment, Intimidation, Coercion, Etc. (Describe where policies exist, currency and other observations) Refer to sections of Personnel manuals:
6. Human Resource EEO Complaints (Attach H.R. EEO complaint log, if any formal complaints have been received how documented, resolution status, etc.):
7. Employment Practices – Job Descriptions and Related Information (Describe review of job descriptions for the organization to include, Safety-Sensitive status (for sec 5311), physical requirements and currency of descriptions) Attach copies of job descriptions:

#### **SECTION V – Transportation Service Delivery Compliance (All grant programs)**

1. Title VI – Minority Access to Services (Describe public outreach, advertising, and public education as to its inclusion of services to minority groups. Include posters and other publications present during site review, are posters available for public view?) Attach copies of these documents.
2. Title VI - Community Awareness of Transportation Services (Describe the organization's operations in providing services, including riders' guide, schedules, websites, etc.) Attach copies of schedules and associated documents.
3. Title VI - Does your agency display posters that state your nondiscrimination policy and compliance with Title VI?                      Yes                      No  
If yes, where is this information displayed? If no, please explain why:
4. Title VI - Limited English Proficiency (LEP) Access (Describe how the sub-recipient addresses communication needs of persons with LEP, including service provisions, number and proportion of LEP persons, frequency and contact of LEP persons to the organization, and costs and availability) Attach LEP information and tools for customers.
5. Title VI – Limited Proficiency (LEP) Implementation Plan (Describe how the sub-recipient uses its LEP Implementation Plan to meet local requirements for areas served) Provide copy of LEP Implementation Plan:



6. Title VI – Complaint Procedure, Logs, and Associated Documentation (Describe observed compliance by reviewing complaint files, logs, posters, etc. **Look for posters on vehicles**) Attach copy of complaint log and poster.

7. Americans with Disabilities Act (ADA) Compliance (Describe the organization's type of transportation services, and requisite ADA levels of service) Attach ADA Paratransit Plan, and other documents.

8. Does your agency have in place written policies, procedures and information regarding the following requirements of the ADA? (Obtain copies of written policies, procedures and information if needed.)

Lift vehicle availability	Yes	No
Maintenance of accessible features on vehicles	Yes	No
Adequate time for vehicle boarding and disembarking	Yes	No
Use of portable oxygen/respirator equipment allowed	Yes	No
Service animals allowed	Yes	No
Training (wheelchair securement, sensitivity, etc.)	Yes	No

9. Disadvantaged Business Enterprise (DBE) - (Does your organization expect to receive \$250,000 or more in FTA funds this federal fiscal year? (October 1 through September 30)

Yes No

10. *The following questions pertain only to grantees that expect to receive \$250,000 or more in Federal Transit Administration (FTA) funds this federal fiscal year.*

a. *Does your agency expect to award contracts cumulatively exceeding \$250,000 using FTA funds during this fiscal year (excluding rolling stock)?*

Yes No

*If yes, has your agency adopted a DBE program and was this program submitted and approved by ADOT Civil Rights Office?*

Yes No

*Did you develop your own DBE program or adopt ADOT's program? Attach the organization's DBE plan.*

b. *What good faith efforts has your agency made to meet your DBE goals? Please explain in detail:*

c. *What good faith efforts has your agency made to purchase from DBE vendors? Please explain in detail:*

d. *Are DBE's given the opportunity to participate in the bidding process for purchases?*

Yes No

*If yes, please provide documentation showing how DBEs are given the opportunity to participate in the bidding process:*

11. Disadvantaged Business Enterprise (DBE) – Activities (Summarize the organization's methods to identify and use DBE businesses in their purchases. For section 5311 providers, also review DBE reports submitted as part of the site visit) Attach DBE program information.

## SECTION VI – 5311 Program Compliance

1. Have you accomplished any of the annual projects contained in your five-year plan?  
Yes                      No                      Please explain:
2. What is the status of the unaccomplished projects?
3. Are revisions documented (in matrix form provided in the plan) and submitted to ADOT?  
Yes                      No                      Please explain:
4. Explain the process for collecting ridership data:
5. When was the last system survey conducted, and what was the number of surveys distributed and returned? (Check sample)
6. Are drivers given the opportunity to submit suggestions/ comments regarding service?  
Yes                      No                      If no, please explain:
7. How do you track on-time performance?
8. Please explain your marketing plan:
9. Does your organization participate in community special events? (Parades, holiday events)  
Yes                      No
- If yes, is the event documented and approved by the ADOT Program Manager?
10. What types of media do you use to market your service? (Brochures, ads, radio, etc.)
11. Is the transit system name and telephone number advertised on the vehicle?  
Yes                      No
12. Do you sell advertising in/on the vehicles?                      Yes                      No
13. Describe your fare structure:
14. Describe the process for handling fares, from collection through deposit: (Check for written procedure)
15. Can a customer purchase ride passes?                      Yes                      No  
If yes, explain the process:
16. Does your transit system use transfers?                      Yes                      No
17. Does your system provide Charter Service?                      Yes                      No  
If yes, explain the process:
18. When was the last compliance audit of your drug and alcohol testing program conducted?  
Describe any findings. (Obtain a copy of report.)
19. Who prepares the budget and financial reports? Describe the process:

20. Are monthly billings and requests for reimbursement up-to-date? Yes No

21. What is the fund balance for the following budget items in the current grant?

Administration:

Capital:

Operating:

RTAP:

## **SECTION VII – Vehicle Use and Maintenance (All grant programs)**

(Check for policies and procedures)

1. Are the vehicle and liability insurance files in order? Yes No  
If no, describe deficiencies:
2. Is there a current inventory of all vehicles? Yes No  
(If no, get commitment to update inventory)
3. Are pre-check inspections performed and copies of inspection forms filed?  
Yes No If no, describe deficiencies:
4. Are maintenance and repairs performed in-house or contracted out?
5. For contracted service, list service providers: (Check invoices)
6. For in-house maintenance and repairs, are your mechanics certified? Yes No  
(Check certifications or qualifications of in-house mechanics)
7. For in-house maintenance and repairs, describe how vehicle parts are purchased and whether you have a parts inventory system:
8. Describe the procedures you follow when a vehicle breakdown occurs:
9. Where are vehicles stored when not in use? Is the area secured?

## **SECTION VIII – Employee Training (All grant programs)**

1. Is training information on file for each employee involved in the transportation system?  
Yes No If no, describe deficiencies:
2. Describe your training program curriculum and how employees are scheduled for training:  
(Check for both in-house and off-site training and type of training)
3. What materials have you used from the on-line ADOT RTAP Training Library?

## **SECTION IX – Employee Training (5311 programs)**

(Check for policies and procedures)

1. Have all the drivers attended a defensive driving class? Yes No
2. Is there a certified defensive driving instructor on staff? Yes No  
If no, how is training accomplished?

- |   |     |                 |
|---|-----|-----------------|
| 3. Is there a certified PASS trainer on staff?<br>If no, how is training accomplished?              | Yes | No              |
| 4. Is there a certified CPR/first-aid trainer on staff?<br>If no, how is training accomplished?     | Yes | No              |
| 5. Has the Transit Manager been certified as a Certified Community Transit Manager (CCTM)?          | Yes | No              |
| 7. Does the Manager or Supervisor periodically ride the bus to observe driver and system operation? | Yes | No              |
|   |     | Please explain: |

### **SECTION X - Comments**

Please provide comments regarding this site review process (good/bad) and how it can be improved: